

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF MARCH, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Ms. Rebecca Oh, an eighth grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Volunteer Recognition

Mr. Kennedy presented Certificates of Appreciation to Blair Curly, Rachel Fitzgerald, Ankit Patel, Mike Weston, Meghan Williamson, and Brendan Williamson of the Sharpe Community Partnership, a residential service learning program for first-year students at the College of William and Mary, for their initiative to encourage local businesses to recycle and in promoting the Clean County Commission programs.

2. The State of the Travel Industry and Prospects for 2002

Mr. David Schulte, Executive Director of the Williamsburg Area Convention and Visitors Bureau, provided the Board and citizens with an overview of the local travel industry since September 11, 2001.

Mr. Kennedy called attention to the art work in the Board Room and thanked the students of Lafayette High School for providing the art work.

E. PUBLIC COMMENT

1. Ms. Sarah Nunley, Mr. Travis Small, and Ms. Adel Berra, members of the Student Shared Leadership Council at Lafayette High School, extended an invitation to members of the Board and County staff to spend a school day at Lafayette High School in April.

2. Mr. Ed Oyer, 139 Indian Circle, stated that another trailer has been removed from the property line at Country Village Mobile Home Park; stated that in January of 1999 the Stonehouse athletic fields were designated as public-use fields; and stated that a stoplight at Monticello Avenue and Centerville Road will not improve safety.

F. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer, Virginia Department of Transportation (VDOT), was available to address comments from the Board.

Mr. Kennedy thanked VDOT for taking steps to begin installing a traffic light at Monticello Avenue and Centerville Road.

Mr. Harrison concurred with Mr. Kennedy's statement and inquired if VDOT has taken the opportunity to review concerns from citizens about the apparent settling of Route 199 over Tutter's Creek.

Mr. Brewer stated that VDOT will look into the settling issue.

G. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Goodson requested Item Number 6, 2003 Primary Road Priorities, be pulled.

Mr. Goodson made a motion to adopt the remaining items on the Consent Calendar including the minutes as corrected.

On a roll call, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

1. Minutes

a. March 12, 2002, Regular Meeting

2. Dedication of Streets

a. Westmoreland, Sections 1 and 2

RESOLUTION

DEDICATION OF STREETS IN WESTMORELAND, SECTIONS 1 AND 2

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

b. Springhill, Phases 3 and 4

RESOLUTION

DEDICATION OF STREETS IN SPRINGHILL, PHASES 3 AND 4

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

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BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Bonded Industrial Access Road Fund Resolution for James River Commerce Center

RESOLUTION

BONDED INDUSTRIAL ACCESS ROAD FUNDING AT

JAMES RIVER COMMERCE CENTER

WHEREAS, Williamsburg Developments, Inc. (WDI) and the Industrial Development Authority (IDA) of James City County, Virginia, own and have agreed to cooperate in the development of property, known as James River Commerce Center, in the Roberts District of James City County for the purpose of promoting industrial development; and

WHEREAS, additional property will be acquired by the IDA within the park with the intended use to be the site of an industrial shell building; and

WHEREAS, infrastructure is required to reach the new shell building; and

WHEREAS, addition of infrastructure will open new WDI property for development, as well as provide infrastructure to the IDA's property; and

WHEREAS, acquisition of the shell building site was conditioned upon provision of infrastructure to the site; and

WHEREAS, the County of James City hereby guarantees that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation (VDOT); and

WHEREAS, the Virginia Bonded Industrial Access Road Program may make funds available for qualifying projects up to \$300,000 on an unmatched basis, and up to an additional \$150,000 on a dollar-per-dollar matching basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to an undeveloped portion of the property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, hereby authorizes and directs the Chairman of the Board of Supervisors to execute an agreement with the Virginia Department of Transportation, an escrow or other surety agreement, and such other documentation as may be necessary to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road. This surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, hereby agrees that the new roadway, so constructed, will be added to and become a part of the Secondary System of Highways.

4. Reimbursement - 800 MHz Financing

RESOLUTION

REIMBURSEMENT - 800 MHz FINANCING

WHEREAS, James City County, Virginia (the "County") has made or will make expenditures (the "Expenditures") in connection with an 800-megahertz public safety radio system with related improvements/expansion of the Central Dispatch function and facility for the new radio system and mobile data terminals (the "Project"); and

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County from the proceeds of one or more tax-exempt obligations to be issued by or on behalf of the County (the "Indebtedness").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$8,500,000.
 3. This resolution shall take effect immediately upon its adoption.
5. Operating Contingency Transfer – Regional Jail

RESOLUTION

OPERATING CONTINGENCY TRANSFER - REGIONAL JAIL

WHEREAS, the County has seen a 30 percent increase in its average daily population at the Virginia Peninsula Regional Jail and previously budgeted funds of \$860,000 are not expected to be sufficient through the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a transfer of \$250,000 from Operating Contingency to the Regional Jail payment account.

6. 2003 Primary Road Priorities

Mr. John T. P. Horne, Manager of Development Management, stated that staff has prepared a report outlining the County's priorities for primary road projects to be presented to the Virginia Department of Transportation (VDOT) prior to the Commonwealth Transportation Board (CTB) making its allocation decision. He spoke to the Route 60E project phasing and the Route 199 projects.

Staff recommended the Board approve the resolution and endorsement of the County's request for funding of its 2003 priority primary road projects.

Mr. Goodson made a motion to approve the resolution and endorsement.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

RESOLUTION

2003 PRIMARY ROAD PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and state transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- A. Full funding and the minimization of delays for the widening of the existing sections of Route 199 to four lanes in those areas where only two lanes presently exist;
- B. Funding for design and construction of Route 60 East relocation with priority given to the section between Route 60 in James City County and the Fort Eustis Interchange;
- C. Funding for the improvements to the Route 199-Jamestown Road intersection and support of the locally preferred alternative;
- D. Funding for landscaping along the Route 199 corridor; and
- E. Proceeding with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

Mr. Kennedy recognized Wilford Kale, member of the Planning Commission, in the audience.

H. PUBLIC HEARINGS

1. Case No. SUP-2-02. Walker Manufactured Home Replacement

Ms. Leah M. Nelson, Planner, stated that Robert Walker has applied for a special use permit to replace a manufactured home with a new 2002 Oakwood Series Model No. 1011 double-wide unit, on .59 acres zoned R-8, Rural Residential, at 2726 Little Creek Dam Road, further identified as Parcel No. (01-0-0018) on the James City County Real Estate Tax Map No. (21-4).

Staff found that the proposal, with conditions, will meet administrative criteria for placement of a manufactured home and will improve the living conditions of the applicant.

Staff recommended the Board approve the special use permit application with conditions.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. Harrison made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-2-02. WALKER MANUFACTURED HOME REPLACEMENT

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Mr. Robert Walker

Real Estate Tax Map ID: (21-4)

Parcel No.: (1-18)

Address: 2726 Little Creek Dam Road

District: Stonehouse

Zoning: R-8, Rural Residential

- Conditions:
1. This permit shall be valid only for the 2002 Oakwood Series Model No. 1011 double-wide unit applied for. If the 2002 Oakwood Series Model No. 1011 double-wide manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. The existing manufactured home shall be removed prior to the placement of the new manufactured home.
 4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
 5. The new manufactured home shall be placed so as to comply with all current setback and yard requirements in the R-8, Rural Residential, Zoning District.

2. Virginia Energy Purchasing Governmental Association

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) have gotten together to achieve the best rates for electric power generation service through the combined purchasing power of Virginia cities, counties, schools, and authorities by the creation of the Virginia Energy Purchasing Governmental Association (VEPGA).

The annual dues for the County to join the VEPGA are \$1,372 for the upcoming fiscal year.

Staff recommended the Board adopt the ordinance.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. McGlennon made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

3. Dominion Virginia Power Easement for American Tower Corporation

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, stated that an easement has been requested by Dominion Virginia Power for underground utilities to a communications tower site leased from the County by American Tower Corporation.

Staff recommended the Board approve the resolution authorizing the County Administrator to grant an easement to Dominion Virginia Power to serve the American Tower Corporation lease site.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. McGlennon made a motion to approve the resolution with the amended easement.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

RESOLUTION

DOMINION VIRGINIA POWER EASEMENT FOR AMERICAN TOWER CORPORATION

WHEREAS, the Board of Supervisors has previously granted a lease for a tower site to American Tower Corporation; and

WHEREAS, in order to operate the tower it must be served by electrical power supplied by Dominion Virginia Power; and

WHEREAS, the location of the easement must be coordinated with other improvements being constructed for a new Government Center Office Building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary easement documents once the design has been coordinated with the Government Center Office Building improvements and the appropriate plat prepared.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a brief James City Service Authority Board of Directors meeting, then reconvene a closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions.

K. BOARD REQUESTS AND DIRECTIVES - None

Mr. Kennedy recessed the Board at 7:37 p.m. for a brief break while the James City Service Authority Board of Directors meeting convened.

Mr. Kennedy reconvened the Board at 7:52 p.m. into open session.

L. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

Mr. Kennedy convened the Board into closed session at 7:53 p.m.

At 8:02 p.m. Mr. Kennedy reconvened the Board into open session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Wayne Grimes to the Cable Television Advisory Committee for a four-year term, term to expire 3/26/06; to reappoint Alan Robertson, Mary Higgins, Joseph Hagy, and Sean Heuvel to the Parks and Recreation Advisory Committee for four-year terms, terms to expire on 4/11/06; to reappoint Jim Tucker to the Regional Issues Committee for a one-year term, term to expire on 3/26/03; to reappoint Lawrence Beamer, Phil Smead, and Lewis Waltrip to the Route 5 Transportation Improvement District Advisory Board for one-year terms, terms to expire on 3/26/03; and to appoint William Apperson to the Wetlands Board for a five-year term, term to expire on 3/26/07.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

L. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 7:00 p.m. on April 9, 2002.

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

Mr. Kennedy adjourned the Board at 8:03 p.m.

Sanford B. Wanner
Clerk to the Board